REMARKS

Applicants and their Attorney would like to thank the Examiner for the courtesy of the March 15, 2002 interview.

Claims 1-8 are pending in the application. Claim 1 has been amended and new claims 30 and 31 have been added. Claims 24-29 have been canceled. Support for the amendments to the claim and for the new claims added can be found throughout the specification and claims as originally filed. No new matter has been added to the application. Accordingly, claims 1-8 and 30-31 will be pending upon entry of the amendments presented herein.

The claims that have been canceled or withdrawn from further consideration as directed to non-elected subject matter have been canceled or withdrawn without waiver or prejudice. Applicants hereby reserve the right to pursue the subject matter of the non-elected subject matter in one or more divisional patent applications. The foregoing amendments have been made solely to claim more fully the invention and/or to expedite prosecution of the present application and should in no way be construed as an acquiescence to any of the Examiner's rejections in this or in any former Office Action issued in the present application. Applicants reserve the right to pursue the subject matter of the claims as originally filed in this application or subsequent applications.

Rejection of Claims 1-8 Under 35 U.S.C. §112, Second Paragraph

Claims 1-8 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner is of the opinion that " [t]he expression 'such that treatment of the viral infection occurs by inhibiting replication of the virus in a virus infected cell' renders the claims indefinite in scope as to administration conditions in which treatment by inhibition of the viral replication occurs in a virus infected cell."

Applicants respectfully traverse this rejection and submit that the inhibition of viral replication is described throughout the specification and, in particular, on page 4, lines 30 through 35 as follows

> [i]n another aspect, the invention provides a method of inhibiting replication of a virus in a virus infected cell. The method includes the step of contacting the virus-infected cell with an effective amount of a deprenyl compound, such that the affinity of GAPDH for viral RNA is decreased and viral replication in the virus-infected cell is inhibited.

Accordingly, Applicants respectfully submit that the skilled artisan would read the specification and be able to discern clearly that treatment of the viral infection occurs by inhibiting replication of the virus in a virus-infected cell. Moreover, without acquiescing to this §112, second paragraph rejection and in order expedite prosecution of the application, Applicants have amended claim 1 to include the additional information of decreasing the infinity of GAPDH for viral RNA such that replication is inhibited. Thus, Applicants respectfully request that the Examiner reconsider and withdraw this section 112, second paragraph rejection.

Rejection of Claims 1-8 Under 35 U.S.C. §103(a) Over Tatton et al. in View of Meulen et al.

Claims 1-8 have been rejected under 35 U.S.C. § 103 (a) as, according to the Examiner, being "unpatentable of Tatton *et al.* (WO 97/28791, reference D1 in the IDS filed December 13, 1999 referred to herein as "WO 97/28791") in view of Meulen *et al.* (DE 19708461; English abstract provided, reference D2 in the IDS filed December 13, 1999, referred to

herein as "DE 19708461") and Tatton *et al.* Neurology, 1996, referred CB in IDS filed June 21, 1999 referred to herein as "Tatton 1996"), of record in the previous office action." In particular, the Examiner is of the opinion that

> [T]atton *et al.* (WO 97/28791) does not expressly teach the employment of (-)-desmethyldeprenyl particularly, in a method of treating HIV. Neither does it teach the treatment of a viral invention through the inhibition of virus replication. Meulen et al (DE 19708461) teaches a method of treating viral infections of the central nervous system employing D-Methyl Seligilin (a deprenyl compound), see abstract. Meulen et al (DE 19708461) also teaches HIV as [of] one of the infections in which the method would be effective, Col. 1, lines 51-55.

Applicants respectfully traverse the foregoing rejection. Independent claim 1, as amended herein, is directed to treatment of a viral infection by inhibition of virus replication by decreasing the infinity of GAPDH for viral RNA.

Tatton *et al.* (WO 97/28791) discloses the use of deprenyl compounds to rescue damaged nerve cells. Tatton *et al.* (WO/97/28791) does not teach or suggest the use of a deprenyl compound in the treatment of HIV by inhibiting the replication of a virus in a virus-infected cell.

These defects are not cured by Meulen *et al.* and Tatton *et al.* Meulen *et al.* is directed to the use of D-methyl- seligilin as an aminergic substance to target cells with viral infections of the central nervous system. It does not teach or suggest a method of inhibition of HIV virus replication.

Applicants submit that the combination of references fail to teach or suggest the present invention. The primary reference, WO 97/28791, teaches the rescuing of damaged nerve cells not the inhibition of the replication of a virus in a virus-infected cell. Therefore, Applicants request that this §103(a) rejection be withdrawn.

CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If a telephone conversation with the Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 227-7400.

Furthermore, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. WTZ-004CPA, from which the undersigned is authorized to draw.

Dated: **September 16, 2003**

Respectfully submitted,

By_____

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